IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1603 OF 2004

M/s. Arkay International Inc ... Petitioner

versus

The State of Maharashtra & anr. ... Respondents

...

Mr. Subhash Jha i/by Law Global, for the Petitioner.

Mr. A.S. Gadkari, A.P.P., for Respondent No.1.

Ms. D.K. Shah for Respondent No. 2.

...

CORAM : A.M.KHANWILKAR,J.

11th January 2005

P.C.:

. Heard Counsel for the parties. Rule. Rule made returnable forthwith by consent. Mr. Gadkari, A.P.P., waives notice for Respondent No. 1. Ms. Shah waives notice for Respondent No. 2. As short question is involved, petition taken up for final disposal forthwith by consent.

. Although the relief as prayed cannot be

entertained in this writ petition under Article 227 of the Constitution of India, however, in the interest of the parties and to avoid conflicting decisions on the stand of the parties, having regard to the fact that the two cases pending before the Ballard Pier Court were filed prior in point of time, the appropriate course, to my mind, in the interest of justice is to direct transfer of the case pending before the Navi Mumbai Court to be heard along with the said two cases pending at Ballard Pier Court in relation to dishonour of cheques, so that all the three cases, which are between the same parties involving overlapping issues, can be heard and decided together by the same Judge. Although the Petitioner seeks transfer of the two cases pending before the Ballard Pier Court to the Navi Mumbai Court by this petition, I am inclined to pass this order, having regard to the fact that the two cases filed before the Ballard Pier Court were filed in earlier point of time and the distance between the Court at Mumbai and Navi Mumbai is such that it will not cause any inconvenience to the parties. In the circumstances, petition succeeds on the above terms.

(A.M.KHANWILKAR,J.)